

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION
11/15/2021

IN RE: Criminal Case No. AU:21-CR-00223(1)-LY
USA v. (1) Matthew Nelson Tunstall
TO THE ATTORNEY OF RECORD:

YOU ARE HEREBY NOTIFIED THAT THE ABOVE STYLED AND NUMBERED CAUSE HAS BEEN SET FOR ARRAIGNMENT: on **November 23, 2021** at **9:00 AM** before UNITED STATES MAGISTRATE JUDGE **MARK LANE** at the United States Courthouse, in **Courtroom No. 8, 7th Floor**, 501 West Fifth Street, Austin, TX 78701.

If after consulting with your client, s/he wishes to waive formal arraignment before the Magistrate Judge, and enter a plea of "not guilty," it is mandatory that you complete a *Waiver of Personal Appearance at Arraignment and Plea of Not Guilty*, copy enclosed. The *Waiver* must be fully completed, signed by you *and the defendant*, and filed not later than 4:00 p.m. on the day before the scheduled arraignment. Upon filing of the *Waiver*, defendants and their attorneys are **not** required to appear at the date and time listed above.

Under current policy, the U.S. Marshals Service transports defendants in custody to the courthouse for arraignments unless a *Waiver of Personal Appearance at Arraignment and Plea of Not Guilty* is filed no later than 4:00 p.m. on the day before the arraignment setting. **Failure to comply with the *Waiver* filing deadline requires the attorney and the defendant to appear in court as noted above.**

Attorneys are advised that if a "not guilty" plea is entered, **all pre-trial motions are to be filed within fourteen (14) days from the last date of arraignment.**

Retained counsel (does not apply to those appointed by the court) will be required to file a written Notice of Appearance prior to arraignment. Please make sure your fax number is included in your notice

Sincerely,

JEANNETTE J. CLACK, CLERK

BY: Amanda Deichert
Deputy Clerk
(512) 916-5896 ext. 8705

TO: U.S. District Judge
U.S. Attorney
U.S. Pretrial Services Office

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

USA

vs.

(1) Matthew Nelson Tunstall
Defendant

§
§
§
§
§

Case Number: AU:21-CR-00223(1)-LY

NOTICE OF WAIVER OF PERSONAL APPEARANCE AT ARRAIGNMENT
AND ENTRY OF PLEA OF NOT GUILTY

Now comes Defendant in the above-referenced case who, along with his undersigned attorney, hereby acknowledges the following:

- 1) Defendant has received a copy of the charging document in this case.
- 2) Defendant has read the charging document or had it read to him/her.
- 3) Defendant understands he/she has the right to appear personally with his/her attorney before a Judge for Arraignment in open Court on this accusation. Defendant further understands that, absent the present waiver, he/she will be so arraigned in open Court.

Defendant, having conferred with his/her attorney in this regard, hereby waives personal appearance with his/her attorney at the arraignment of this case and the reading of the charging document, and by this instrument, tenders his/her plea of "not guilty." The defendant understands that entry by the Court of said plea for defendant will conclude the arraignment in this case for all purposes. Defendant requests the Court accept his/her waiver of appearance and enter a plea of "not guilty."

I UNDERSTAND UNLESS OTHERWISE ORDERED BY THE COURT, I MUST FILE ANY PRETRIAL MOTION (CITING LEGAL AUTHORITY UPON WHICH I RELY AND A PROPOSED ORDER) WITHIN FOURTEEN (14) DAYS AFTER ARRAIGNMENT, OR, IF I HAVE WAIVED ARRAIGNMENT WITHIN FOURTEEN (14) DAYS AFTER THE LATEST SCHEDULED ARRAIGNMENT DATE. *See Local Criminal Rules CR-12 and CR-47.*

Date: _____

Signature of Attorney

Defendant's Signature

Name of Attorney

Address: _____

Telephone: _____

ALL WAIVER FORMS MUST BE FILED IN THE CLERK'S OFFICE NO LATER THAN 4:00 PM ON THE DAY BEFORE THE SCHEDULED DATE OF ARRAIGNMENT. IF A WAIVER FORM IS NOT SUBMITTED BY THAT TIME, THE DEFENDANT AND DEFENDANT'S ATTORNEY MUST APPEAR FOR THE ARRAIGNMENT AS SCHEDULED.